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ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
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Attorney for Plaintiffs

**FILED**

JUL 11 2014

KATHERINE R. DUPUIS  
P.J.Ch.

By: Jeffrey Koziar  
Deputy Attorney General  
(973) 648-7819

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION,  
UNION COUNTY  
DOCKET NO.: UNN-C-122-09

JOHN J. HOFFMAN, Acting Attorney General of  
the State of New Jersey, and STEVE C. LEE,  
Acting Director of the New Jersey Division of  
Consumer Affairs,

Plaintiffs,

v.

BRAKE-O-RAMA, INC., d/b/a JERSEY  
AUTOMOTIVE WAREHOUSE, JANE and  
JOHN DOES 1-10, individually and as owners,  
officers, directors, shareholders, founders,  
managers, agents, servants, employees,  
representatives and/or independent contractors of  
BRAKE-O-RAMA, INC. d/b/a JERSEY  
AUTOMOTIVE WAREHOUSE, and XYZ  
CORPORATIONS 1-10,

Defendants.

Civil Action

**CONSENT ORDER**

THIS MATTER being brought to the Court by Jeffrey Koziar, Deputy Attorney General, for  
plaintiffs John J. Hoffman, Acting Attorney General of the State of New Jersey, and Steve C. Lee,

Acting Director of the New Jersey Division of Consumer Affairs (collectively, "Plaintiffs")<sup>1</sup> and John B. Hall, Esq., of McManimon, Scotland & Baumann, attorney for defendant Brake-O-Rama, Inc., d/b/a Jersey Automotive Warehouse ("Defendant") ("Plaintiffs" and "Defendant" collectively referred to as the "Parties") for the purpose of amending the Final Consent Judgment ("Consent Judgment") entered by the Honorable John F. Malone, P.J. Ch., on April 26, 2010, and it appearing the Parties have consented to the form and entry of this Consent Order; and for good cause shown;

**IT IS HEREBY ORDERED, ADJUDGED AND AGREED AS FOLLOWS:**

1. Effective Date- This Consent Order shall be effective on the date it is filed with the Court. Except as specified herein, this Consent Order is not intended to supercede, negate or otherwise alter provisions of the Consent Judgment except as expressly set forth herein. Capitalized terms herein retain their meanings as defined in the Consent Judgment, except as expressly set forth herein.
2. Settlement Amount- The Parties have agreed to a settlement in the amount of Two Hundred Fifty-Thousand and 00/100 Dollars (\$250,000.00) (the "Settlement Amount"). The Settlement Amount comprises Two Hundred Thousand and 00/100 Dollars (\$200,000.00) in civil penalties pursuant to N.J.S.A. 56:8-13, and Thirty-Seven Thousand and 00/100 Dollars (\$37,000.00) in reimbursement of the Plaintiffs' attorneys' fees pursuant to N.J.S.A. 56:8-19 and Thirteen Thousand and 00/100 Dollars (\$13,000.00) in reimbursement of the Plaintiffs' investigative costs, pursuant to N.J.S.A. 56:8-11.

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<sup>1</sup> This action was commenced on behalf of Paula T. Dow, former New Jersey Attorney General ("Attorney General") and Sharon M. Joyce, former Acting Director of the New Jersey Division of Consumer Affairs ("Director"). Pursuant to R. 4:34-4, the caption has been revised to reflect the current Acting Attorney General and Acting Director.

3. Settlement Payment- Defendant shall pay One Hundred Twenty-Five Thousand and 00/100 Dollars (\$125,000.00) of the Settlement Amount ("Settlement Payment") according to the following schedule:

a. Defendant paid Eighty Five Thousand and 00/100 Dollars (\$85,000.00) between April 26, 2010 and June 24, 2014.

b. Commencing on July 1, 2014, Defendant shall make ten (10) payments of Four Thousand and 00/100 Dollars (\$4,000.00) on the first day of each month until April 1, 2015.

c. All payments made in satisfaction of the Settlement Payment shall be made by wire transfer, certified check, cashier's check or Attorney Trust Account Check made payable to the "New Jersey Division of Consumer Affairs" and shall be forwarded to the undersigned:

Jeffrey Koziar, Deputy Attorney General  
State of New Jersey  
Office of the Attorney General  
Department of Law and Public Safety  
Division of Law  
124 Halsey Street- 5<sup>th</sup> Floor  
Newark, New Jersey 07101

d. For a period of one (1) year from the Effective Date, One Hundred Twenty-Five Thousand and 00/100 Dollars (\$125,000.00) of the Settlement Payment, which comprises civil penalties, pursuant to N.J.S.A. 56:8-13 ("Suspended Penalty") shall be suspended and shall be automatically vacated on that date provided that Defendant:

- (i) Complies with the restraints and conditions set forth in the Consent Judgment; and
- (ii) Makes the payments required under this Consent Order.

e. In the event Defendant fails to comply with any aspect of the Consent Judgment or this Consent Order, the entire suspended amount of One Hundred Twenty-Five Thousand and 00/100 Dollars (\$125,000.00) shall be immediately due and payable upon notice by the Plaintiffs. In any such notice, however, Plaintiffs shall provide Defendant with the specific details of the alleged noncompliance and Defendant shall be afforded a fifteen (15) day period within which to cure any such noncompliance and a ten (10) day period within which to cure any noncompliance concerning a monetary issue. In the event of Defendant's failure to cure any such noncompliance, Plaintiffs may move on short notice or by Order to Show Cause to have a Judgment entered for the Suspended Penalty.

4. Representations and Warranties- The Parties Represent and warrant that their signatories to this Amendment have authority to act for and bind the respective Parties. This Amendment shall be binding upon the Parties and their successors in interest. In no event shall assignment of any right, power or authority under this Amendment be used to avoid compliance with this Amendment.

IT IS ON THE 11<sup>th</sup> DAY OF July, 2014 SO ORDERED,  
ADJUDGED AND DECREED.

  
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HON. KATHERINE R. DUPUIS, P.J.Ch.

JOINTLY APPROVED AND  
SUBMITTED FOR ENTRY:

FOR THE PLAINTIFFS:

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Attorney for Plaintiffs

By: Jeff Koziar  
Jeffrey Koziar  
Deputy Attorney General

Dated: 7/10, 2014

124 Halsey Street - 5<sup>th</sup> Floor  
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(973) 648-7819

FOR DEFENDANT:

McMANIMON, SCOTLAND & BAUMANN

By: John B. Hall  
John B. Hall, Esq.

Dated: 7/7, 2014

75 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 622-1800

FOR DEFENDANT:

By: Anna D. Giele

Dated: 7/11, 2014